

REMARKS

The remainder of this Amendment is set forth under appropriate subheadings for the convenience of the Examiner.

Amendment to the Specification

The related applications paragraph has been updated to reflect the status of the applications cited therein. No new matter has been added.

Rejection of Claims 1-6 Under Obviousness-Type Double Patenting

Claims 1-2 and 4-6 have been rejected under obviousness-type double patenting as being unpatentable over Claims 2-7 of U.S. Patent No. 6,593,978 B2 and over Claims 16-18 of U.S. Patent No. 5,757,445. Claim 3 has been rejected under obviousness-type double patenting as being unpatentable over Claims 2-7 of U.S. Patent No. 6,593,978 B2 in view of EP 0 545 694 A2 and over Claims 16-18 of U.S. Patent No. 5,757,445 in view of EP 545694. With respect to the rejection of Claim 3, it seems that the statement that Claim 3 is rejected as being unpatentable over "Claims 2-7" of U.S. Patent No. 5,757,445 is in error, because Claims 2-7 of U.S. Patent No. 5,757,445 are directed to an active matrix liquid crystal display, not a method of fabricating an active matrix liquid crystal display. Thus, Applicants assume that the rejection holds over "Claims 16-18" of U.S. Patent No. 5,757,445, which are directed to a method of fabricating an active matrix liquid crystal display.

Applicants enclose herewith a Terminal Disclaimer in which Kopin Corporation, the owner of 100 percent interest in the instant application, disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,593,978 B2 and 5,757,445. The owner thereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In view of the filing of the enclosed Terminal Disclaimer, which is executed by Hong K. Choi, and Statement Under 37 C.F.R. § 3.73(b), which also is executed by Hong K. Choi, the rejection of Claims 1-6 has been obviated.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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